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5 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

6 JOHN LITTLE,)
7)
8 Plaintiff,) CASE NO. C08-148-JCC-JPD
9 v.)
10 DAVE OSTER, *et al.*,) ORDER DISMISSING § 1983 ACTION
11 Defendants.)
_____)

12 The Court has reviewed Defendants' motion to dismiss, the Report and Recommendation of
13 the Honorable James P. Donohue, United States Magistrate Judge (Dkt. No. 26), Plaintiff's Objection
14 (Dkt. No. 29), Defendants' Response (Dkt. No. 33), Plaintiff's Reply (Dkt. No. 35), and the balance
15 of the record. Plaintiff's Objection, which was untimely, and his Reply both detail his medical and
16 psychological problems and his hardships, both inside and outside of prison; however, they do not
17 even remotely address the merits of Magistrate Judge Donohue's Report and Recommendation. As
18 Judge Donohue found, Plaintiff's complaint does not allege that Defendants had any personal
19 involvement in the alleged misconduct, nor is there any evidence in the record suggesting as much.

20 Accordingly, the Court hereby ORDERS:

- 21 (1) The Court adopts the Report and Recommendation.
22 (2) The complaint and this § 1983 action are DISMISSED for failure to state a claim upon
23 which relief may be granted. *See* 28 U.S.C. § 1915(e)(2)(B)(ii).
24 (3) This dismissal shall count as a strike under 28 U.S.C. § 1915(g).
25 (4) The Clerk is directed to send a copy of this Order to Plaintiff, to counsel for
26 Defendants, and to Judge Donohue.

ORDER DISMISSING § 1983 ACTION

1 DATED this 10th day of March, 2009.

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5 JOHN C. COUGHENOUR
6 United States District Judge
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